IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

Crl.MC.No. 849 of 2007()

CC.769/2004 of JUDL.MAGISTRATE OF FIRST CLASS, KOYILANDY

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PETITIONER: PETITIONER/ACCUSED

RANJITH,VAYANI HOUSE,THALAKKULATHOOR P.O
KOZHIKODE.

BY ADV. SRI.B.V.JOY SANKER
SMT.PREETI THANKAPPAN NAIR

RESPONDENTS: RESPONDENTS/STATE/COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

2. MOHANDAS,MADATHIL HOUSE,ARIKKULAM P.O,
KOYILANDI,KOZHIKODE.

BY PUBLIC PROSECUTOR SRI.SU..NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.849 of 2007

Dated this the 23rd day of March 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. He was not present on the date when the case was posted for questioning. Therefore a warrant of arrest was issued against him. He wants to surrender before the learned Magistrate but apprehends that his application for bail may not be considered on merits, in accordance with law and expeditiously.

2. I do not think that any directions need be issued under Section 482 Cr.P.C. I find no reason to assume that the learned Magistrate is not aware of the decision in Alice George vs.Deputy Superintendent of Police [2003(1)KLT 339] or that the learned Magistrate would not comply with the same.

3. This Criminal Miscellaneous Case is, in these circumstances, dismissed but with the observation that the learned Magistrate must comply with the dictum in Alice George vs.Deputy Superintendent of Police [2003(1)KLT 339] and dispose of the application for bail on the date of surrender itself.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006